



W.P.(MD)No.10882 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 30.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.(MD)No.10882 of 2023**

Selvaraj

... Petitioner

Vs.

1.The District Registrar,  
Pudukkottai District,  
Pudukkottai.

2.The Sub-Registrar,  
Illuppur, Pudukkottai District.

3.The Tahsildar,  
Office of the Tahsildar,  
Illuppur, Pudukkottai District.

.... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of refusal check slip passed by the 2<sup>nd</sup> respondent in Refusal No.RFL/Illuppur/115/2022 dated 14.10.2022 and quash the same as illegal and consequently direct the 2<sup>nd</sup> respondent to register the settlement deed dated 14.10.2022 presented by the petitioner in accordance with law and within a time frame that may be fixed by this Court.

For Petitioner

: Mr.R.Maheswaran

For Respondents

: Mr.P.Subbaraj,  
Spl. Govt. Pleader for R1 to R3



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## ORDER

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This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of refusal check slip passed by the 2<sup>nd</sup> respondent in Refusal No.RFL/Illuppur/115/2022 dated 14.10.2022 and quash the same as illegal and consequently direct the 2<sup>nd</sup> respondent to register the settlement deed dated 14.10.2022 presented by the petitioner in accordance with law and within a time frame that may be fixed by this Court.

2. It is the grievance of the Writ Petitioner that when the petitioner presented the settlement deed dated 14.10.2022 for registration, the same has been refused to be registered on the ground that the genuineness of the patta has to be verified with the Tahsildar concerned. Challenging the same, the petitioner has filed this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.



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4. Considering the facts and circumstances of the case, this Court is of the view that if the genuineness of the patta has to be verified, the proper course is at least to keep the document pending and call for the remarks from the concerned Tahsildar and thereafter, register the document. Whereas without following such procedure, just like that the document has been refused to be registered. Such an act is nothing, but clear non application of mind. Therefore, the impugned order is liable to be quashed.

5. Accordingly, this Writ Petition is allowed and the impugned order passed by the 2<sup>nd</sup> respondent dated 14.10.2022 stands quashed. The petitioner is directed to present the settlement deed dated 14.10.2022 once again before the 2<sup>nd</sup> respondent. On such presentation, the 2<sup>nd</sup> respondent shall register the same, if it is otherwise in order. If the 2<sup>nd</sup> respondent has any doubt with regard to the genuineness of the patta, he shall call for the remarks from the concerned Tahsildar within 10 days from the date of receipt of such presentation and take a decision as per the remarks, within a period of one week thereafter. There shall be no order as to costs.

vsm

**30.08.2024**

NCC : Yes/No

Index : Yes/No



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**N.SATHISH KUMAR, J.**

vsm

To

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Pudukkottai.
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